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SEP 22 1998

CONCORD, N.H.

Mr. James J. Barry, Commissioner
Department of Welfare
State House Annex
Concord, New Hampshire

Attention: Thomas E. Thompson

Re: Old Age Assistance to State Hospital Parolees

Dear Mr. Barry:

This is in response to your request of March 8 for our opinion as to whether patients on parole from the State Hospital are disqualified from receiving Old Age Assistance, all of the technical eligibility requirements having been met.

Typical of the various statutory provisions cited in your letter is RSA 167:4 IV which provides;

"Public assistance shall not be granted to anyone who is a patient in an institution for tuberculosis or mental diseases."

It is the opinion of this office that these parolees are not ipso facto disqualified from receiving benefits. The statutes refer to persons who are patients or inmates in public mental institutions. The purpose of these provisions would appear to be to prevent persons already being supported by the State from receiving additional assistance at the same time.

It is our understanding that paroled patients are not supported by the State but rather in the usual case by relatives. While these patients continue to be subject to supervision by the authorities at the Hospital it cannot be said that they are inmates or patients.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/T